UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/474,569	12/29/1999	ROLAND LAMER	70191/239	2393

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ART UNIT	PAPER NUMBER
2179	

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
Office Action Summary		09/474,569	LAMER, ROLAND
		Examiner	Art Unit	
		Mylinh Tran	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 May 2006*.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4-10,13,14,18-23,27-32 and 35* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4-10,13,14,18-23,27-32 and 35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/18/06 has been entered.

Claims 1, 14, 23 and 32 have been amended. However, the limitation of the amended claims have not been found to be patentable over prior art of record, therefore, claims 1, 4-10, 13-14, 18-23, 27-32 and 35 are rejected under the same ground of rejection as set forth in the Office Action mailed 11/02/05.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4-10, 13-14, 18-23, 27-32 and 35 rejected under 35 U.S.C. 102(e) as being anticipated by Wong et al. [US. 6,260,021].

As per claims 1, 14, 23 and 32, Wong teaches a computer implemented method

and corresponding system for integrating patient data comprising the

steps/means:

a display unit (e.g. 38 of fig. 1); a first application configured to display patient

images for a patient on the display unit (col. 7, lines 42-51) and generate a set

of patient context data for the patient (col. 7, line 59 - col. 8, line 14), wherein

the first application is configured to retrieve patient image data from a picture

archival and communication system (PACS) (column 7, lines 28-58), and

further wherein the set of patient context data including patient and user

information (column 3, lines 30-52, "Medical images and associated medical

information, and indeed general patient data, can then be made uniformly

available to user workstations" and "The system also includes a security object

server, for authorizing user access to the image distribution system and to

particular objects....);

a second application in data communication with the first application (col. 7, line

59 - col. 8, line 14); wherein the second application is configured to retrieve

patient textual data from a radiology information system (RIS), wherein the

patient data includes the patient textual data (column 7, line 59 through column

8, line 30);

and a workstation coupled to the display unit and configured to operate both the

first application and the second application that reside on the workstation (col.

8, lines 15-30), the first application configured to send the set of patient context

data to the second application and the second application configured to receive the set of patient context data and to display patient data on the display unit based on the set of patient context data (col. 7, line 59 - col. 8, line 14), wherein the first application is configured to retrieve patent image data for a picture archival and communication system (column 3, lines 30-41 "The middleware software of the present invention which processes data and requests to existing PAC and RI systems into a common format and structure. Medical images and associated medical information, and indeed general patient data, can then be made uniformly available to user workstations. A single workstation can access data from a diverse range of prior-art PAC and RI systems by running single client software....Further, existing PAC and RI systems can efficiently exchange data through the medium of this common format and structure."

As per claims 5, 20 and 29, Wong teaches the second application is selected from the group consisting of a case sign out application, a report entry application, an order detailing application, and an order viewer application (col. 11, lines 35-39).

As per claim 6, Wong further teaches comprising a second workstation coupled to the workstation, the second workstation configured to operate the second application (e.g. col. 7, lines 59-65).

As per claims 7 and 8, Wong teaches the second application is coupled to the first application via an object request broker and further comprising a bridge coupled between the second application and the object request broker, wherein

the second application communicates via the component object model (COM)

(col. 7, line 59 - col. 8, line 14 and col. 12, lines 59-62).

As per claims 9, 10, 21 and 30, Wong further teach. the first application

generating the patient context data in response to user input at the input unit,

wherein the input unit is selected from the group consisting of a mouse, a voice

recognition system, a keystroke, a switch, and a light pen (col. 8, line 53 - col. 9,

line 21).

As per claims 13, 22 and 31, Wong teaches the patient data includes patient

examination information (col. 11, lines 36-41).

As per claims 18, 19, 27 and 28, Wong teaches the step of sending includes

generating an event based on the patient context data and providing the event

to the second application and further comprising converting the event from a

first object model to a second object model and providing the converted event

to the second application (col. 10, line 48 - col. 11, line 16).

As per claim 35, Wong further teaches a third application in data

communication with the first application, the third application configured to

receive the set of patient context data sent from the first application and to

retrieve and display patient data for the patient based on the set of patient

context data (col. 7, line 59 - col. 8, line 14 and col. 12, lines 59-62).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wong in view of Applicant's admitted prior art.

As per claim 4, Wong teaches the system is used to display medical images with different resolutions (col. 10, lines 25-27); Wong, however, does not suggest the display monitor having a resolution of at least 90 dpi. This feature is taught by Applicant's admitted prior art (pages 1-2 of the specification). It would have been obvious to one of ordinary skill in the art at the time of the invention to use a display monitor having a resolution of at least 90 dpi in Wong's system since it would have displayed medical images with a higher quality.

Response to Arguments

Applicant's arguments filed 05/18/06 have been fully considered but they are not persuasive.

(a) Applicant argued that Wong does not teach the first application and the second application in data communication with one another, where in the first application is configured to retrieve patient image data from a PACS system and the second application is configured receive patient textual data from a RIS system.

(b) Applicant also argued that Wong does not teach a workstation coupled to the display unit is configured to operate both the first and second applications, and the first application sends the set of patient context data to the second

application and the second application receives the set of patient data and

displays patient data on a display unit based on the set of patient context data.

The Examiner disagrees for the following reasons:

(a) Wong teaches the first and second PAC (26) and RI (18) applications being

in data communication with one another through a medical image server (12,

figure 1). The claimed language itself "in data communication" is a broad term.

It does not specify the invention. It is not clearly enough to describe the original

specification.

During patent examination, the pending claims must be "given >their< broadest

reasonable interpretation consistent with the specification." > In re Hyatt, 211

F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Although the claims

are interpreted in light of the specification, limitations from the specification are

not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d

1057 (Fed. Cir. 1993).

(b) Applicant's attention is directed to column 3, lines 38-40 that states "existing

PAC and RI systems can efficiently exchange data through the medium of this

common format and structure." It is clearly that step of sending and receiving

data happens between PAC and RI applications.

Conclusion

Any inquiry concerning this communication or earlier communications

from the examiner should be directed to Mylinh Tran. The examiner can

normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4141.

If attempts to reach the examiner by telephone are unsuccessful, the

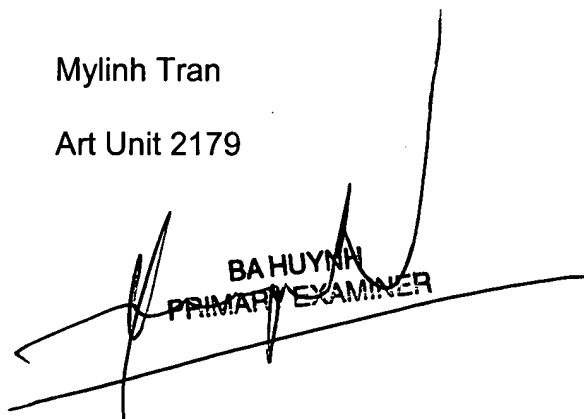examiner's supervisor, Weilun Lo, can be reached at 571-272-4847.

The fax phone numbers for the organization where this application or

proceeding is assigned are as follows:

571-273-8300

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

for published applications may be obtained from either Private PAIR or Public

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http://pair-direct.uspto.gov. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197

(toll-free).

Mylinh Tran

Art Unit 2179

BA HUYNH
PRIMARY EXAMINER